

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8725 OF 2014

Valimohamed Haji Alarakhia and Ors.] ... Petitioners

Versus

Zainal Abidin Afzal Dewji and Anr.] ... Respondents

Mr. Gaurav Joshi, Senior Advocate, a/w Mr. Piyush Raheja i/b Mr. Yogesh Adhia for Petitioners.

Mr. N. Seervai, Senior Advocate, a/w Mr. Padgaonkar, Mrs. Ranjana Parekh, Mr. Firdaus Pavri and Ms. Amahe Cama i/b M/s. Mulla & Mulla & Craigie Blunt & Caroe for Respondents.

CORAM :- M. S. SONAK, J.
DATE :- AUGUST 26, 2015

P. C. :-

1. The learned Counsel for parties state that this petition can be disposed of with the following agreed order :-

- (a) The order dated 15/01/2011 made by the Small Causes Court and the order dated 05/05/2015 made by the Division Bench of the Small Causes Court are set aside.
- (b) The preliminary issue as to jurisdiction to be decided by the Small Causes Court along with other issues under order 14 Rule 2 of the CP`C and not as a preliminary issue under Section 9A of the CPC.

(c) The aforesaid orders are set aside by consent of the parties, only to facilitate the issue of jurisdiction to be decided afresh, alongwith all other issues which arise in the suit. This Court has not gone into the merits of the rival contentions and accordingly, all contentions of all parties in this regard are specifically kept open.

2. Accordingly, the Writ Petition is disposed of as per the aforesaid agreed order.

(M. S. SONAK, J.)